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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 10 NOVEMBER 1995 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I have the honour to request your good offices in the publication, as an official document of the Committee on Relations with the Host Country, of the enclosed letter, containing the reply of the representative of Cuba on the Committee on Relations with the Host Country to the letter dated 18 October 1995 addressed to you by the representative of the United States of America on this Committee.

(Signed) Pedro Nuñez MOSQUERA

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ANNEX

The Permanent Mission of Cuba to the United Nations wishes to express some considerations on the arguments presented by the representative of the United States of America on the Committee on Relations with the Host Country in his letter addressed to the Chairman of the Committee dated 18 October 1995.

The Permanent Mission of Cuba to the United Nations wishes to reiterate that certain decisions adopted by the host country regarding the participation of the Permanent Representative of Cuba in the ceremonies commemorating the fiftieth anniversary of the signing of the Charter of the United Nations that were held in San Francisco resulted in arbitrary actions which are incompatible with the obligations assumed by the host country by virtue of the Headquarters Agreement; obligations that, according to statements by the representative of the United States on the Committee on Relations with the Host Country, the Government of the United States takes very seriously.

The Permanent Mission of Cuba to the United Nations is not interested in elucidating the criteria that governed the classification by the host country, in private or official acts, of the events and meetings held in the spirit of the fiftieth anniversary of the United Nations. Instead, the Permanent Mission of Cuba prefers to thank the co-sponsors of those events and meetings for their willingness as well as for the message which prevailed and emerged from those events.

However, the Permanent Mission of Cuba to the United Nations considers that it is difficult for the private or official nature of the events or meetings to have granted the authorities of the host country the discretionary power to classify them as substantive or of a purely ceremonial nature, and by virtue of that, to assume the right to determine which diplomatic official or officials of the permanent missions accredited to the United Nations could or could not attend those events. Nor has the host country any right to adulterate documents signed by diplomatic representatives of the permanent missions related to those events or to any other issue pertaining to the missions.

The exercise by the host country of the faculties and prerogatives granted by the Headquarters Agreement constitutes more a responsibility than a privilege. By virtue of that, the Permanent Mission of Cuba to the United Nations considers, as was the case during the ceremonies in San Francisco, that it has the right to demand, at any time in the future, an official written communication of every decision taken by the host country regarding the restrictions on travel for the personnel of the Permanent Mission of Cuba.

It is unfortunate that the adulteration of official forms duly filled out, signed and stamped by a permanent mission could be considered by the honourable Mission of the United States as a "mere administrative procedure". It is also unfortunate that the Mission of the United States, owing to the nature of its "mere administrative procedures", is forced to use its own legal and technical interpretation to explain that the repeated adulteration of official forms from a permanent mission is not a manipulation of property or a flagrant violation of the sovereign prerogatives and of the diplomatic privileges and immunities of

the diplomatic mission of any sovereign State, which are authenticated by the relevant international instruments and equally invoked by virtue of their universal validity and recognition, one of which is the Headquarters Agreement.

Taking due note of the letter from the representative of the United States to the Committee on Relations with the Host Country, the Permanent Mission of Cuba construes it that the Mission of the United States will have in the future no objection to informing through an official and written channel of its acts regarding the implementation of the restrictions of movement of Cuban diplomats, assuming it will have no difficulty in officially taking the responsibility for the implementation of such discriminatory, obsolete and abusive procedures which are improper for our times and contrary to the spirit of the celebration of the fiftieth anniversary of the United Nations.

I request that the present letter be circulated as a document of the Committee on Relations with the Host Country.

(Signed) Yamira Cueto MILIÁN